

REMARKS

In the Office Action mailed August 22, 2007, the Examiner noted that claims 1-20 were pending and rejected claims 1-15 and 17-20 and objected to claims 16-19. Claims 2, 4, 6, 7, 8, 10, 14, 15, 16 and 17 have been amended, claims 1, 3, 5 and 13 have been canceled, claims 21-23 have been added and, thus, in view of the foregoing, claims 2, 4, 6-12, 14-23 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

OBJECTIONS

Claims 1-4, 7, 8, 10, 13, 15 and 17 are objected to for various informalities. The various informalities have been amended from the claims.

Withdrawal of the objections is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-6, 8 and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Berstis, U.S. Patent Publication No. 2005/0185515. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment. Berstis discusses a system and method for performing horologic functions using time cells, and it is explained in the Abstract that a time cell has an insulated, charge storage element that receives an electrostatic charge through its insulating medium (i.e. it is

programmed overtime), the charge storage element then loses the electrostatic charge through its insulating medium given the reduction of electric potential of the programmed charge storage element at a substantially known discharge rate, and by observing the electric potential of the programmed charge storage element at a given point in time, an elapsed time period can be determined.

Claims 1, 3 and 5 have been cancelled and the features of those claims are now found in claim 22. On page 5 of the Office Action, it is asserted that Berstis, ¶¶ 0004, 0012 and 0033 disclose "Electronic entity according to claim 3, characterized in that, said capacitive component being charged during a transaction, said measuring means are used during a transaction of this type to provide information at least partly representative of the time elapsed since the last transaction," as in cancelled claim 5. Berstis, ¶ 0033 states

The present invention may be implemented on a variety of hardware and software platforms, as described above with respect to FIG. 1A and FIG. 1B. More specifically, though, the present invention is directed to employing time cells to perform horological functions within commercial transactions, **wherein multiple embodiments employ time cells in different ways to capture the multiple advantages that are provided by the unique horological characteristics of a time cell.** Various embodiments of the present invention are explained in more detail hereinbelow with respect to the remaining figures. [Emphasis added]

Nothing in the cited reference is enabling as to "said residual charge being at least in part representative of a time

elapsed since said first transaction." The reference simply discusses that multiple embodiments employ time cells in different ways to catch the multiple advantages that are provided by the unique horological characteristics of a time cell. The statement is so broad it covers everything and teaches nothing. No one of ordinary skill in the art could take the teachings of Berstis and produce an electronic entity where said residual charge being at least in part representative of a time elapsed since said first transaction. Any reference used to reject a claim must itself be enabling for the subject matter of the invention alleged to be taught (see In re Wilder, 429 F.2d 447,166 U.S.P.Q. 545(C.C.P.A. 1970) and In re Collins, 462 F.2d 538,174 U.S.P.Q. 333(C.C.P.A. 1972)).

Further, claim 22 additionally recites "wherein fraud is detected by the time elapsed between said first transaction and said new transaction." Berstis does not disclose a fraud being detected based on an elapsed time between a first and second transaction.

For at least the reasons stated above, claim 22 and the claims dependent therefrom are patentably distinguishable from Berstis.

As regards amended claim 4, the present claims require that electronic power entity be located external to the transactional electronic entity. The coupling decoupling of the capacitive component, and thus the initialization of the

component is simple as it does not involve the connection of the electronic entity within the reader with which the electronic entity may exchange data. Therefore, Berstis does not teach or suggest "that the electronic entity is autonomous and in that said electrical power supply is external to the electronic entity," as in amended claim 4 which depends from claim 2.

Withdrawal of the rejections is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 7-11 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Berstis in view of Baglee, U.S. Patent No. 5,049,958. The Applicant respectfully disagrees and traverses the rejection with an argument. Baglee discusses a dynamic read/write memory cell array that employs stacked capacitors consisting of three levels of conductor separated by dielectric material. Baglee adds nothing to deficiencies of Berstis as applied to independent claim 21, and therefore, the combination of Berstis and Baglee, taken separately or in combination, fails to render obvious claims 7-11 and 20.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being obvious over Berstis in view of Nakai, U.S. Patent No. 6,784,933. The Applicant respectfully disagrees and traverses the rejection with an argument. Nakai discusses a dynamic read/write memory cell array that employs stacked capacitors consisting of three levels of conductor separated by dielectric

material. Nakai adds nothing to deficiencies of Berstis as applied to independent claim 21, and therefore, the combination of Berstis and Baglee, taken separately or in combination, fails to render obvious claim 12.

Withdrawal of the rejections is respectfully requested.

ALLOWABLE SUBJECT MATTER

On page 8 of the Office Action, the Office states claims 13-16 would be allowable subject matter if rewritten in independent form. Claim 13 has been cancelled and replaced by new claim 22. Claim 21 is inclusive of the features of claims 1, 3, 5 and 13. Thus, it is believed that claims 14-16 and 21 are allowable.

NEW CLAIM

Claim 23 is new. Support for claim 23 found in cancelled claims 1, 3 and 5 and the paragraph spanning pages 9 and 10 of the Specification. The Applicant submits that no new matter has been added by the addition of claim 23. The prior art fails to disclose or render obvious "a field-effect transistor, said field-effect transistor measures a residual charge in said capacitive component during a new transaction, said residual charge being at least in part representative of a time elapsed since said first transaction, wherein fraud is detected by the time elapsed between said first transaction and said new transaction."

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 2, 4, 6-12, 14-23 continue to be allowable. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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